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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,238	01/28/2004	Hitan S. Kamdar	GP-304333 (2760/156)	4778

7590 05/26/2005
General Motors Corporation
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EXAMINER

ZANELLI, MICHAEL J

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,238

Applicant(s)

KAMDAR ET AL.

Examiner

Michael J. Zanelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The application filed 1/28/04 has been examined. Claims 1-22 are pending.
2. Claims 8, 9, 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. As per claims 8 and 19, the claims are unclear as to the limitation regarding an “updated contact increment” since there is no establishment of a contact increment initially to be updated (see claims 2 and 13, respectively). The claims are further unclear as to which information “the updated communication information” is referring to since the claims refer to received updated contact increment and updated telematics information. The specific phrase “updated communication information” is not previously used in the claims, thus its antecedence is unclear.

B. All claims depending from a rejected base claim are also rejected as containing the same deficiencies.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-7, 10-18, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hellaker (US 2002/0197988).

A. As per claims 1, 12 and 22, Hellaker discloses a system and method for wireless communication between a service provider and electronic devices onboard a vehicle (Fig. 1). The computer-based system includes means for receiving a restricted use command from a service provider in the form of a user programmable wake-up period for initiating communications during low-power mode and means onboard the vehicle for operating in conjunction with the received command for initiating communications or “registering” during low-power usage mode whereby the rate of transmission is defined by the user programmable wake-up period [0025,0040].

B. As per claims 2-5, 7, 13-16 and 18, as above whereby a user may specify the contact period or transmission rate [0040] and that vehicle-related information may be included in the communication [0025].

C. As per claims 6 and 17, as above whereby the user programmable command transmitted by the service provider applies to low-power usage mode [0040].

D. As per claims 10, 11 and 21, as above whereby the system may automatically handle emergency events [0020,0045].

5. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kapolka et al. (US 2004/0138790).

A. As per claims 1, 12 and 22, Kapolka discloses a system and method for wireless communication between a service provider and electronic devices onboard a vehicle (Figs. 1,2). The computer-based system includes means (105a) for receiving restricted

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use commands from a service provider (202) whereby the commands instruct the vehicle to initiate transmissions during low-power situations (i.e., vehicle is turned off) and the rate of transmission [0065-0067,0070-0073,0085].

B. As per claims 2-5, 7, 13-16 and 18, as above whereby a user may specify the contact period or transmission rate [0067] and that vehicle-related information may be included in the communication [0071-0073].

C. As per claims 6 and 17, as above whereby the user programmable command transmitted by the service provider applies to low-power usage mode [0065,0070,0072].

D. As per claims 10, 11 and 21, as above whereby the system may automatically handle emergency events ("alert" parameters) [0074].

E. As per claims 8, 9, 19 and 20, as above whereby the service provider may update the contact interval and/or the information to be transmitted [0082] and that the information may include at least location and vehicle diagnostic information [0085].

6. Claims 1, 10-12, 21 and 22 are further rejected under 35 U.S.C. 102(e) as being anticipated by Kolls (6,615,186).

A. As per claims 1, 12 and 22, Kolls discloses a system and method for wireless communication between a service provider and electronic devices onboard a vehicle (Abs). The computer-based system includes means for receiving a restricted use command from a service provider (col. 39, lines 52-62) and means onboard the vehicle for initiating the restricted use (col. 40, lines 3-4) and setting the manner in

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which information is transmitted from the vehicle to the service provider (i.e., transmission rate) (col. 40, line 59 to col. 41, line 6).

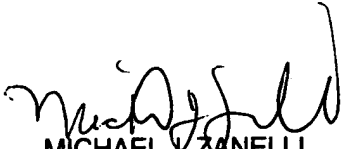
B. As per claims 10, 11 and 21, as above whereby the restricted use command sets a vehicle security system which reports location information to the service provider upon triggering (col. 40, line 59 to col. 41, line 6).

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited documents are of general interest.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Zanelli whose telephone number is (571) 272-6969. The examiner can normally be reached on Monday-Thursday 8:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MICHAEL J. ZANELLI
PRIMARY EXAMINER

/mjz